

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 29, 2009. Defendant Trae Winn appeared in person and with appointed counsel Kenton Hall. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On April 14, 2008, an indictment was returned charging defendant with possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D), and one count of carrying a firearm during a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Donald Stanzi, Kansas City,

Missouri, Police Department.

Mr. Hall announced that he will be the trial counsel for defendant Trae Winn. He may be assisted by Steve Patton.

III. *OUTSTANDING MOTIONS*

There are no pending motions in this case.

IV. *TRIAL WITNESSES*

Mr. Becker announced that the government intends to call 25 witnesses without stipulations or 22 witnesses with stipulations during the trial.

Mr. Hall announced that defendant Trae Winn intends to call 4 to 6 witnesses during the trial. The defendant may testify.

V. *TRIAL EXHIBITS*

Mr. Becker announced that the government will offer approximately 60 exhibits in evidence during the trial.

Mr. Hall announced that defendant Trae Winn will offer approximately 5 to 6 exhibits in evidence during the trial.

VI. *DEFENSES*

Mr. Hall announced that defendant Trae Winn will rely on the defense of general denial.

VII. *POSSIBLE DISPOSITION*

Mr. Hall stated this case is definitely for trial.

VIII. *STIPULATIONS*

Stipulations are likely as to chain of custody, chemist's reports, and business records.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 1/2 to 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 16, 2008, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by January 29, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 4, 2009;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 4, 2009. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed: 404(b) evidence dealing with prior arrests, uncharged crimes. There are no unusual questions of law.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, February 6, 2009. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 9, 2009.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
January 29, 2009

cc: The Honorable Ortrie Smith
Mr. Paul Becker
Mr. Kenton Hall
Mr. Jeff Burkholder